

REMARKS

Claims 1-3, 5-9, 11-14, 16 and 17 are pending. Claims 12-14, 16 and 17 have been amended.

Rejections under Section 101

Claims 12-14, 16 and 17 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserts that the term “computer readable storage” medium can be construed to cover “signals.” To overcome this rejection, these claims have been amended to recite a “computer readable storage medium.” Reconsideration is respectfully requested.

Rejections under Section 103

Claims 1-3, 5-9, 11-14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,721,727 (Chau et al.) in view of U.S. Patent No. 6,366,934 (Cheng et al.). Reconsideration is respectfully requested.

In the present claims, it is important to note that two different “classes” are defined in managed code. First, a class is defined “that represents an XML data type.” Second, another, different “user defined type” is being defined, in which “at least one, but less than all, of the plurality of fields of [that] user defined type [is defined] as having the XML data type ... at least one other of said plurality of fields [is defined] as having a different data type” (*see, e.g.* independent claims 1, 7 and 12).

With respect to the second multi-field “user defined type” that is being defined, the Examiner acknowledges that “Chau et al. does not distinctly disclose less than all of the fields of the user defined type having the XML data type [and] defining at least one other of said plurality of fields as having a different data type.” However, the Examiner asserts that this feature is disclosed in Cheng et al. at column 9, line 57 through column 10, line 21. That is not correct.

At column 9, line 57 through column 10, line 21, Cheng et al. is describing the creation of a “DB2XML” data type, which is defined by a class and represents a new XML data type. Thus, the DBSXML data type in Cheng et al. is analogous, if at all, to the claimed

“class in managed code that represents an XML data type,” *i.e.*, the first class mentioned above. And all that is being described at the cited portion is that the “DB2XML as an abstract data type can be subtyped For example, the user can add additional attributes to the [DB2XML] data type” (col. 10, ll. 9-12). Thus, the cited portion of Cheng et al. describes adding attributes to the class (DB2XML) that defines the XML data type, but does *not* teach or suggest then “defining at least one, but less than all, of the plurality of fields of [*a different*] user defined type as having the XML data type ... and defining at least one other of said plurality of fields as having a different data type,” as claimed. Consequently, the combination of Chau et al. and Cheng et al. will not produce the claimed method and system. Reconsideration of the Section 103 rejection of claims 1-3, 5-9, 11-14, 16 and 17 is respectfully requested for this reason.

CONCLUSION

For all the foregoing reasons, the applicants respectfully submit that the present application is now in condition for allowance.

Date: May 6, 2009

/Steven B. Samuels/

Steven B. Samuels

Registration No. 37711

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439